

## **REMARKS/ARGUMENTS**

### **I. Introduction:**

Claims 1, 5, 9, and 14 are amended and claim 24 is added herein. With entry of this Amendment, claims 1-9, 11, 13, 14, 16, 18, 19, and 22-24 will be pending.

### **II. Claim Rejections – 35 U.S.C. 102:**

Claims 1-9, 11, 13, 14, 16, 18, 19, and 22-23 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,434,447 (Shteyn).

Shteyn discloses a control property mapped modally compatible GUI element. The system includes a controller 104 which controls a functionality of device 102 through software application 110 interacting with representation 108, which is uploaded to the controller upon connection of the device to the network. The controller controls a functionality of the device through software application interfacing with the representation.

In rejecting claim 1, the Examiner refers to controller 104 as the node, application 110 as the network element independent module, and representation 108 as the network element dependent module. However, application 110 and representation 108 do not each include functions for managing either a specific type of network element or different types of network elements. Instead, representation 108 exposes the device's functionality to application 110. There are no separate modules that include functions for managing either different types of network elements or a specific type of network element, as required by claim 1. Moreover, if application 110 is interpreted to correspond to applicants' network management application, there is no separate network element independent module and network element dependent module.

Furthermore, Shteyn does not disclose initializing a network element independent module for a new network element.

In a sincere effort to move along prosecution, claim 1 has been further amended to include determining if the new network element corresponds to one of the network element dependent modules accessible by the network management application. Shteyn does not disclose sending a request to a new network element for information about the new network element, determining if the new network element corresponds to one of the network element dependent modules accessible by the network management application, and receiving from the new network element and storing a new network element dependent module if the new network element does not correspond to one of the existing element dependent modules, as set forth in amended claim 1.

The Examiner refers to the Background of the Invention with respect to storing a new network element dependent module. The Background describes a Device Control Module (DCM) manager that automatically reacts to changes in the network by installing new DCMs for new appliances. Shteyn does not send a request to a new device for information about the device or determine if a new device corresponds to an existing network element dependent module.

Accordingly, claim 1 is submitted as patentable over Shteyn. Claims 2-4, 19, and 22-24, depending from claim 1 are submitted as patentable for at least the reasons discussed above with respect to claim 1.

Claims 5, 9 and 14, and the claims depending therefrom, are submitted as patentable for the same reasons as claim 1.

### III. Conclusion:

For the foregoing reasons, Applicants believe that all of the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a

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telephone conference would in any way expedite the prosecution of the application,  
please do not hesitate to call the undersigned at (408) 399-5608.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'C. Kaplan', written over the printed name.

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